

EXHIBIT 1

INTRODUCTION

Respondent David Graves has been a member of the Planning Commission for Napa County since March 1, 1999. As a planning commissioner, Respondent holds an office that is described in Section 87200 of the Political Reform Act (the “Act”).¹ Pursuant to Section 87203, every person who holds an office that is described in Section 87200 is required to file an annual statement of economic interests each year, disclosing his or her reportable economic interests held during the preceding calendar year.

In this matter, Respondent failed to file an annual statement of economic interests for the calendar year 2000, by the April 2, 2001 due date.

This case was handled on an expedited basis pursuant to the SEI Expedited Procedures adopted by the Commission in July of 1999.

For the purposes of this Stipulation, Respondent’s violation of the Act is stated as follows:

As a member of the Planning Commission for Napa County, David Graves failed to file a 2000 annual statement of economic interests by the April 2, 2001 due date, in violation of Section 87203 of the Government Code.

SUMMARY OF THE LAW

An express purpose of the Act, as set forth in Section 81002, subdivision (c), is to ensure that the assets and income of public officials, which may be materially affected by their official actions, be disclosed, so that conflicts of interest may be avoided.

In furtherance of this purpose, Section 87203 requires every individual who holds an office listed in Section 87200 to annually file, at a time specified in the Commission’s regulations, a statement of economic interests disclosing his or her reportable investments, interests in real property, and sources of income. “Members of planning commissions” is one of the offices listed in Section 87200. Under Regulation 18723, subdivision (b)(2), the due date for a planning commissioner to file an annual statement of economic interests is April 1st of each year (or the next business day after April 1st, if April 1st falls on a Saturday, Sunday or official holiday). The statement must include all the reportable economic interests the planning commissioner held during the preceding calendar year. (Regulation 18723, subdivision (a).) Under Section 87500, subdivision (g), a planning commissioner must file the statement with the Planning

¹ The Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18109 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

Commission, which shall retain a copy of that statement, and forward the original to the Fair Political Practices Commission, which is the filing officer for planning commissioners.

SUMMARY OF THE FACTS

Respondent David Graves has been a member of the Planning Commission for Napa County since March 1, 1999. As a planning commissioner, Respondent is required to file a statement of economic interests each year, disclosing his reportable economic interests held during the preceding calendar year. The due date for Respondent to file an annual statement of economic interests for the year 2000 was April 2, 2001.

Respondent failed to file a 2000 annual statement of economic interests by April 2, 2001, in violation of Section 87203.

On May 4, 2001, Susan Burgess of the SEI Unit of the Fair Political Practices Commission (the "FPPC"), sent a letter to Respondent, informing him that his 2000 annual statement of economic interests had been due on April 2, 2001, and was not received. On June 7, 2001, Ms. Burgess sent a second letter to Respondent, informing him that his 2000 annual statement of economic interests remained past due, and advising Respondent that his non-filing would be referred to the Enforcement Division if the delinquent statement was not received by June 17, 2001. In spite of these notices, Respondent still failed to file a 2000 annual statement of economic interests. The matter was then referred to the Enforcement Division of the FPPC.

On August 2, 2001, Enforcement Division Investigator Bonnie Swaim contacted Respondent by telephone, informing him that his 2000 statement of economic interests was past due, and telling him to file the statement immediately. On August 2, 2001, Respondent faxed a copy of his completed 2000 annual statement of economic interests to Investigator Swaim, and he mailed the original statement to the FPPC.

CONCLUSION

This matter consists of one count of violating Section 87203, which carries a maximum administrative penalty of Five Thousand Dollars (\$5,000). However, under the SEI Expedited Procedures adopted by the Commission in July 1999, the approved administrative penalty for an individual who files a delinquent statement of economic interests within 30 days of being contacted by an Enforcement Division Investigator is between Two Hundred and Three Hundred Dollars (\$200-\$300).

The facts of this case, particularly the fact that Respondent filed his 2000 annual statement of economic interests immediately after being contacted by an Enforcement Division Investigator, justify imposition of the agreed upon penalty of Two Hundred Dollars (\$200).